

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

3  
4 CARR CLIFTON,

5 Plaintiff,

6 vs.

7 PEARSON EDUCATION, INC., and JOHN  
8 DOE PRINTERS 1-10,

9 Defendants.

Case No. CV 11-03640-EJD

**STIPULATION AND [PROPOSED]  
ORDER EXTENDING DEADLINE  
FOR DEFENDANT TO FILE MOTION  
TO COMPEL**

10 Pursuant to Local Rule 6-2, Defendant Pearson Education, Inc. ("Pearson") and Plaintiff  
11 Carr Clifton ("Clifton"), by and through their undersigned counsel, hereby submit this stipulation  
12 and proposed order extending the time set forth under Local Rule 37-3 for Pearson to file a  
13 motion to compel. The parties stipulate as follows:

14 A. Fact discovery in this matter closed on October 1, 2012. Docket No. 65. Pursuant  
15 to Local Rule 37-3, all fact discovery motions to compel are due today.

16 B. Prior to the close of fact discovery, issues arose with respect to various documents  
17 that were identified at the depositions of Clifton and his assistant, Deanne Henninger.

18 C. These issues were timely raised by Pearson's counsel following the depositions.  
19 Although Clifton's counsel made multiple attempts to reach his client, Mr. Clifton is travelling  
20 and unavailable to respond to his counsel's inquiries.

21 D. Clifton's counsel has stated that Clifton will be supplementing his production, but  
22 will not be able to do so until Mr. Clifton returns in a few days.

23 E. Although the parties are continuing to resolve these issues without the Court's  
24 involvement, it is not known whether Clifton's supplemental production will resolve all of  
25 Pearson's outstanding issues.

26 F. Previously, the Parties submitted one stipulated request for a three-month  
27 extension of the deadlines in this case in connection with the filing of Plaintiff's First Amended  
28

Complaint. Docket No. 64. That extension was granted by the Court. Docket No. 65.

G. This stipulated request for an extension will not impact the remaining schedule for this case.

WHEREFORE, the parties respectfully request a short extension of the deadline for Pearson to file a discovery motion limited to the issues identified above on or before October 23, 2012.

DATED: October 9, 2012

/s/ Robert S. Crockett

Robert W. Crockett (SBN 79918)  
Harmon & Seidman LLC  
33 Spindrift Passage  
Corte Madera, CA 94925  
Telephone: (415) 945-1830  
robert@harmonseidman.com

Christopher Seidman (SBN 98884)  
Harmon & Seidman LLC  
101 South Third Street, Suite 265  
Grand Junction, CO 81501  
Telephone: (970) 245-9075  
Facsimile: (970) 245-8086  
chris@harmonseidman.com

*Attorneys for Plaintiff Carr Clifton*

/s/ Andrew C. Whitney

Sharon R. Smith (SBN 221428)  
Andrew M. Purdy (SBN 221428)  
Morgan, Lewis & Bockius LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1126  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001  
srsmith@morganlewis.com  
apurdy@morganlewis.com

David W. Marston Jr. (admitted *pro hac vice*)  
Andrew C. Whitney (admitted *pro hac vice*)  
Karl A. Schweitzer (admitted *pro hac vice*)  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103  
Telephone: (215) 963-5000  
Facsimile: (215) 963-5001  
dmarston@morganlewis.com  
awhitney@morganlewis.com  
kschweitzer@morganlewis.com

*Attorneys for Defendant Pearson Education, Inc.*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/10/2012

  
EDWARD J. DAVILA  
United States District Judge

**PROOF OF SERVICE**

I hereby certify that on October 9, 2012, a true and correct copy of the foregoing  
STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE FOR FILING OF  
FACT DISCOVERY MOTIONS TO COMPEL was served via electronic mail upon:

Christopher Seidman (SBN 98884)  
Harmon & Seidman LLC  
101 South Third Street, Suite 265  
Grand Junction, CO 81501  
Telephone: (970) 245-9075  
Facsimile: (970) 245-8086  
chris@harmonseidman.com

Robert W. Crockett (SBN 79918)  
Harmon & Seidman LLC  
33 Spindrift Passage  
Corte Madera, CA 94925  
Telephone: (415) 945-1830  
robert@harmonseidman.com

*Attorneys for Plaintiff Carr Clifton*

DATED: October 9, 2012

/s/ Andrew C. Whitney  
Andrew C. Whitney